

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on July 7, 2003, and the references cited therewith.

Claims 5 and 10 were amended; claims 2, 9, 15-16, and 32-37 were cancelled, and claims 38 and 39 were withdrawn, as a result, claims 1, 3-8, 10-14, 17-31, 40 and 41 are now pending in this application.

§112 Rejection of the Claims

Claim 41 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Applicant has cancelled claim 41.

§103 Rejection of the Claims

Claims 1, 3-8, 10-12, 17-20, 23-27, 29-30 and 4041 were rejected under 35 USC § 103(a) as being unpatentable over Cartmell et al. (U.S. 5,501,661) in view of Fischel-Ghodsian (U.S. 5,455,043).

The Cartmell et al. patent, 5,501,661, describes a dressing for a wound that includes a hydrogel pad and a porous material overlaying the hydrogel and acting as an adhering layer that adheres the hydrogel to a wound without a use of an adhesive. There is no vapor emitting material that is a drug, a pheromone or a perfume that is stored within a vapor emitting portion as is claimed in amended claim 1, and new claims 42 and 43.

The “transpiration of moisture” functionality of Cartmell et al. does not include the drugs, or pheromones or perfume that are claimed.

According to Cartmell et al.’s own description of its device, there is no vapor emitting material added to the device prior to applying to a wound, much less the specific vapor emitting materials claimed. Further, there is no suggestion that the feature of a “vapor emitting material stored within the vapor emitting portion” would be useful or desirable.

The Fischel-Ghodsian patent, 5,455,043 ('043), describes a device for releasing vapors in a controlled manner but does not include a hydrogel. The device includes a cellular portion for emitting vapor and a base, to which the cellular portion is adhered. The base is described as being a "laminate that consists of a metal foil lined polymer. The polymer may be any polymer that is compatible with the active compound. Suitable candidate polymers include polyethylene terephthalate, high density polyethylene, low density polyethylene, polypropylene, and polyvinylchloride and polyethylene/aluminized polyester/ethylene vinyl acetate."

Neither the '043 patent nor the Wick patent describes a use of a hydrogel or anything like a hydrogel. The '043 patent describes a use of a membrane, not a hydrogel. Additionally, Applicant asserts that there is no motivation to combine a chemical release structure, such as the transdermal of Fischel-Ghodsian, with a wound dressing of Cartmell to obtain the present invention. As discussed above, there is no teaching in Cartmell suggesting a desirability of storing a vapor emitting material in a device prior to application. Further, there is no suggestion in the Fischel-Ghodsian reference regarding a desirability of using a hydrogel. This is because the '043 patent is not directed to wound dressings. There is no motivation in the 043 patent to add a hydrogel. Thus, the Cartmell et al. and Fischel-Ghodsian and Wick patents do not suggest combination and do not suggest the invention described herein.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 373-6976) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

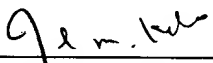
Respectfully submitted,

MARK H. THENO

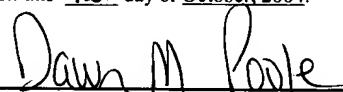
By his Representatives,

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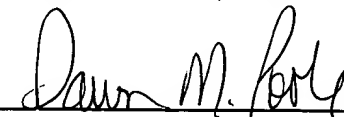
Date 12 Oct. 04

By 
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Reg. No. 37,650

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